IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT APPEAL NO : 782 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 27/02/2004 in WP NO : 3630 OF 2004 on the file of the High Court.)

Between:

1. Shaik Pakeer S/o Shaik Bikari
7-1-1-, Velpula Street, Anakapalli, Visakhapatnam Dist
2. Shaik Khadervalli S/o Shaik Dada
7-1-1-, Velpula Street, Anakapalli, Visakhapatnam Dist
3. Shaik Khasim S/o Abbas Ali
7-1-1-, Velpula Street, Anakapalli, Visakhapatnam Dist
4.Shaik Mabu S/o Pentu
7-1-1-, Velpula Street, Anakapalli, Visakhapatnam Dist
5. Shaik Basha S/o Khader
7-1-1-, Velpula Street, Anakapalli, Visakhapatnam Dist
6. Shaik Hussain Bee S/o Late Dada
7-1-1-, Velpula Street, Anakapalli, Visakhapatnam Dist
7. Shaik Beebi S/o Late Shaik Lal
7-1-1-, Velpula Street, Anakapalli, Visakhapatnam Dist
8. Shaik Khader S/o Shaik Abbas Ali
7-1-1-, Velpula Street, Anakapalli, Visakhapatnam Dist
9. Shaik Bhaji S/o Shaik Gulam Saidu
7-1-1-, Velpula Street, Anakapalli, Visakhapatnam Dist

..... APPELLANTS

AND

1 The Secretary, Minorities Welfare Department
The Govt of AP Secretariat,Hyd
2 The Mandal Revenue Officer

Anakapally, Visakhapatham Dist

3 The Chairman District Wakf Board
Visakhapatnam

.....RESPONDENTS

Counsel for the Appellant:Mr.G.VIVEKANAND

Counsel for the Respondents : GP FOR SOCIAL WELFARE

FOR RR 1 AND 2

Mr. A.M.Qureshi

SC for Wakf Board,

for Respondent No.3

The Court made the following :

ORAL JUDGMENT:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

Writ Petition of the appellants was dismissed on the ground that appellants have got an alternative remedy available. Appeal has been filed against the said order of dismissal. Appellants have sought for a declaration that the action of the respondents in proposing to construct Shadi Khana thereby proposing to dispossess them from the property i.e. H.No. 7-1-1, Velpula street, Anakapally, Visakhapatnam District, without issuing any notice and without following due process of law is arbitrary, illegal and violative of the Principles of Natural Justice.

When Writ Appeal was taken-up, we asked respondents to file an affidavit as regards possession of the property in question.

Learned Government Pleader for Social Welfare, appearing for Respondents 1 and 2, on instructions of Mandal Revenue Officer, Anakapalli, states that at present there are 8 small tiled houses in existence in the land in question, and, eight families are residing therein for the last about 50 years. He further stated that presently, it is not

proposed to acquire the said land for Shadi Khana.

In view of the instructions received by the learned Government Pleader for Social Welfare from the Mandal Revenue Officer, no other or further direction deserves to be issued in this Appeal, except, directing the respondents that appellants' possession shall not be disturbed, except, in accordance with law. Ordered accordingly. Writ Appeal stands disposed of. No costs.

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DEVINDER GUPTA, C.J.

12.7.2004.

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G.ROHINI, J.

VR.

To

1. The Secretary to Govt. of A.P., Minorities Welfare Department, Secretariat,Hyd
2. The Mandal Revenue Officer
Anakapally, Visakhapatham Dist
3.The Chairman, District Wakf Board
Visakhapatnam.

4. Two CCs to Govt. Pleader for Social Welfare, High Court Bldgs., Hyderabad. (OUT).

5. Two CD copies.